

REMARKS

Claims 1 - 28 are pending in the application. Claims 1-28 have been rejected. Claims 1, 10, 18 - 20 and 22 - 23 have been amended.

Independent claims 1, 10, 18, 20, 22 and 23 stand rejected under 35 U.S.C. § 103 as unpatentable over Kubota, U.S. Patent No. 5,034,980 (Kubota) and Patterson, U.S. Patent No. 6,389,541 (Patterson). This rejection is a new ground of rejection that was entered in response to the Appeal in the above referenced application. When making this rejection, the Board set forth:

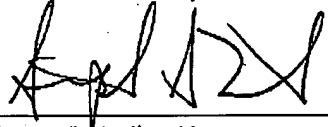
Appellants argue that providing manufacturer specific identification information identifying a computer system manufacturer is "patentably distinct from uniquely identifying a particular microprocessor as disclosed by Kubota." (Brief at page 8.) Appellants further argue that neither Kubota nor Patterson provides a disclosure relating to providing manufacturer specific information identifying a computer system manufacturer. (Brief at page 8.) While we agree with appellants that there is no express teaching concerning the overall computer system manufacturer, we find express suggestions in the disclosure of Kubota that modifications are within the level of skill in the art and we find express teachings of the incorporation of the microprocessors into computer systems and the plural computers/microprocessors can be coded similarly so as to allow group licenses for software. We find these extensions of the teachings of Kubota to suggest providing manufacturer specific information identifying a computer system manufacturer (Decision on Appeal at page 8).

It is believed that the amendments set forth in this Response provide further distinctions over Kubota and Patterson and thus place the application in condition for allowance. Specifically, the amendments make it clear that the software being installed is after sale software provided by a computer system manufacturer after the sale of a computer system and that the deciphering of data is to ensure that the after sale software provided by the computer system manufacturer after sale of the computer system is installed only on a computer system manufactured by the computer system manufacturer. It is respectfully submitted that neither Kubota nor Patterson disclose or suggest such a limitation.

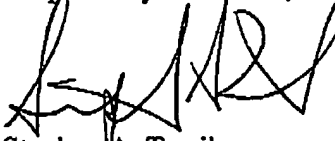
CONCLUSION

No fee is believed to be due. However, the Commissioner is authorized to charge any fees due to deposit account 502264.

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

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| I hereby certify that this correspondence is being sent to the COMMISSIONER FOR PATENTS via the USPTO Central Facsimile on October 26, 2005. | |
|  | 10/26/05 |
| Attorney for Applicant(s) | Date of Signature |

Respectfully submitted,


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